

Remarks

Claims 1, 2, 4-9, 11-15, 17-28, 30-32 and 34-36 are pending in the application. Claims 5, 6, 12, 13, 25, 26, 35 and 36 have been allowed. Claims 1, 2, 4, 7-9, 11, 14, 15, 17-24, 27, 28, 30-32 and 34 stand rejected.

Claims 1, 2, 4, 7-9, 11, 14, 15, 17-24, 27, 28, 30-32 and 34 have been rejected over FR 2303711 in view of Fowler (35 U.S.C. 103(a)).

The Examiner in the instant office action appears to acknowledge that “FR2303711 is silent on the system components running through the hollow archway.” The Examiner further relies on Fowler as teaching “that system components that run thru hollow passageway is well known in the art.”

Specifically the Examiner states “that it would have been obvious to one skilled in the art... to have ran [sic] system components through FR2303711’s hollow archways as taught by Fowler to accommodate the passengers.”

First it has to be noted that FR2303711 deals with an igloo with vertical and horizontal structural bars for forming the igloo structure.

The Fowler reference is directed to a series of flexible tubular light strip sections connected together and adjustable to a desired configuration. As stated in the patent column 2, lines 1-32, the light strip can be bent into any desired shape, i.e., it is formable and can be fabricated as extrusions of vinyl plastic although other flexible insulating materials might be used. Column 3, lines 31-33 reads “Both light strips 10 and 20, and coupling 30, are preferably made of a soft and yielding plastic material, such as molded polyvinyl...or other materials which are suitably flexible.” The flexibility aspect is

emphasized in the claims and in fact what is claimed is “a formable light strip adjustable to a desired configuration of light bulbs...” FR2303711 teaches components for forming an igloo and Fowler teaches components for forming strings of electric lights for illuminated display purposes which is shape retaining and can be mounted to a surface as for example an arch (Fig. 1b).

It is submitted that the Examiner has failed to show or suggest how it would have been obvious to one skilled in the art to combine the teachings of FR2303711 and Fowler. There is nothing in the prior art suggesting the desirability of such a combination. In *re Newell* 13 USPQ2d 1248 (Fed. Cir. 1989). As stated by the court in *Uniroyal Inc. v. Rudkin-Wiley Corp.* 5 USPQ 2d 1434 (Fed. Cir. 1988) “When prior art references require selective combination to render obvious a subsequent invention , there must be some reason for the combination other than the hindsight gleaned from the invention itself... something in the prior art as a whole must suggest the desirability and thus the obviousness of making the combination.”

One skilled in the art would not be expected to combine structure sustaining architectural components with the “flexible light strip” of Fowler.

In resolving the question of obviousness under 35 U.S.C. §103, full knowledge by the inventor of all the prior art in the field of his endeavor is presumed. However, with regard to prior art outside the field of his endeavor, only knowledge from those arts reasonably pertinent to the particular problem with which the inventor was involved is presumed. The rationale behind precluding rejections based on combinations of teachings of references from nonanalogous arts is the realization that an inventor could not possibly be aware of every teaching in every art.” In *re Wood*, 202 USPQ 171 (C.C.P.A. 1979).

The court held in *re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992) in which Oetiker invented an improvement in a metal clamp with a hook structure, the clamp used to secure commercial hose used on an assembly line, a cited reference was Lauro's patent, which disclosed a plastic hook and eye fastener used on garments, that the Lauro garment fastener was not analogous art and rejected the contention that all hooking problems are analogous. "It has not been shown that a person of ordinary skill, seeking to avoid a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments. The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness."

It is submitted that all of the claims in the application are allowable to the applicants and notification to this effect is respectfully requested.

Respectfully submitted,

October 16, 2006
Date

/joshua s. broitman/
Evelyn M. Sommer
Reg. No. 19,603
Joshua S. Broitman
Reg. No. 38,006
Ostrager Chong Flaherty & Broitman P.C.
250 Park Avenue, Suite 825
New York, New York 10177-0899
Tel. No.: (212) 681-0600
Customer No. 64722